

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions and listings of claims in the application:

1-19. (Canceled)

20. (Currently Amended) A flexible vertebral linking device, comprising:

a cylindrical body portion having a first end and a second end;

a first rod portion extending from the first end in a first direction from the cylindrical body portion;

a second rod portion having a first elongated body and an enlarged end portion, wherein the enlarged end portion is positioned within the cylindrical body portion and configured to pivot within the cylindrical body portion to adjust the alignment of the second rod portion with respect to a longitudinal axis of the cylindrical body portion, and wherein the first elongated body extends in a second direction opposite the first direction and passes through an opening in the cylindrical body portion second end, the opening in the cylindrical body portion second end having a width that is less than a width of the enlarged end portion but is greater than a width of the first elongated body ~~to allow the second rod portion to laterally bend with respect to the cylindrical body portion;~~

a first dampening member positioned between the enlarged end portion and the cylindrical body portion first end such that the first dampening member does not encircle any portion of the second rod portion; and

a second dampening member positioned between the enlarged end portion and the cylindrical body portion second end.

21. (Previously Presented) The flexible vertebral linking device of claim 20, wherein the cylindrical body portion second end comprises a cap.

22. (Previously Presented) The flexible vertebral linking device of claim 21, wherein the cap includes a threaded inner region.

23. (Previously Presented) The flexible vertebral linking device of claim 20, wherein the first rod portion includes a threaded end configured to engage a threaded portion of the cylindrical body portion.

24. (Previously Presented) The flexible vertebral linking device of claim 20, wherein the second dampening member includes a ring shape with an opening configured to receive the first elongated body of the second rod portion.

25. (Previously Presented) The flexible vertebral linking device of claim 20, wherein the opening in the cylindrical body portion second end is circular.

26. (Previously Presented) The flexible vertebral linking device of claim 20, wherein the opening in the cylindrical body portion second end is eccentrically located on the cylindrical body portion second end.

27. (Previously Presented) The flexible vertebral linking device of claim 20, wherein the opening in the cylindrical body portion second end includes an oblong shape having at least one dimension that is greater than the width of the first elongated body.

28. (Currently Amended) A method of joining vertebral implants, comprising:  
providing a cylindrical body portion having a first end and a second end;  
connecting a first rod portion extending from the first end in a first direction;  
positioning a first dampening member within the cylindrical body portion;  
positioning a part of a second rod portion having a first elongated body and an enlarged end portion within the cylindrical body portion such that the first dampening member is located between the enlarged end portion and the cylindrical body first end and the first dampening member does not encircle any portion of the second rod portion;

positioning a second dampening member between the enlarged end and the cylindrical body portion second end; and

placing a cap having an opening that includes a width that is less than a width of the enlarged end portion of the second rod portion and is greater than a width of the first elongated body over the second rod elongated body such that the elongated body passes through the opening and the enlarged end portion is secured within the cylindrical body portion, ~~and the second rod portion can laterally bend with respect to the cylindrical body portion.~~

wherein the enlarged end portion is configured to pivot within the cylindrical body portion to adjust the alignment of the second rod portion with respect to a longitudinal axis of the cylindrical body portion.

29. (Previously Presented) The method of claim 28, wherein the cap includes a threaded inner region.

30. (Previously Presented) The method claim 28, wherein the first rod portion includes a threaded end configured to engage a threaded portion of the cylindrical body portion.

31. (Previously Presented) The method of claim 28, wherein the second dampening member includes a ring shape with an opening configured to receive the first elongated body of the second rod portion.

32. (Previously Presented) The method of claim 28, wherein the opening in the cap is circular.

33. (Previously Presented) The method of claim 28, wherein the opening in the cap is eccentrically located on the cylindrical body portion second end.

34. (Previously Presented) The method of claim 28, wherein the opening in the cap includes an oblong shape.